

Chapter 23

Cooperative Wildlife Management Units

23-23-1 Purposes.

Cooperative wildlife management units are established to:

- (1) provide income to landowners;
- (2) create satisfying hunting opportunities;
- (3) increase wildlife resources;
- (4) provide adequate protection to landowners who open their lands for hunting; and
- (5) provide access to public and private lands for hunting.

Amended by Chapter 258, 1997 General Session

23-23-2 Definitions.

As used in this chapter:

- (1) "Cooperative wildlife management unit" or "unit" means a generally contiguous area of land open for hunting small game, waterfowl, cougar, turkey, or big game which is registered in accordance with this chapter and rules of the Wildlife Board.
- (2)
 - (a) "Cooperative wildlife management unit agent" means a person appointed by a landowner, landowner association, or landowner association operator to perform the functions described in Section 23-23-9.
 - (b) For purposes of this chapter, a cooperative wildlife management unit agent may not:
 - (i) be appointed by the division or the state;
 - (ii) be an employee or agent of the division;
 - (iii) receive compensation from the division or the state to act as a cooperative wildlife management unit agent; or
 - (iv) act as a peace officer or perform any duties of a peace officer without qualifying as a peace officer under Title 53, Chapter 13, Peace Officer Classifications.
- (3) "Cooperative wildlife management unit authorization" means a card, label, ticket, or other identifying document authorizing the possessor to hunt small game or waterfowl in a cooperative wildlife management unit.
- (4) "Cooperative wildlife management unit permit" means a permit authorizing the possessor to hunt cougar, turkey, or big game in a cooperative wildlife management unit.
- (5) "Division" means the Division of Wildlife Resources.
- (6) "Landowner association" means a landowner or an organization of owners of private lands who operates a cooperative wildlife management unit.
- (7)
 - (a) "Landowner association operator" means a person designated by a landowner association to operate the cooperative wildlife management unit.
 - (b) For purposes of this chapter, a landowner association operator may not:
 - (i) be appointed by the division; or
 - (ii) be an employee or agent of the division.

Amended by Chapter 112, 2005 General Session

23-23-3 Rulemaking authority of Wildlife Board.

The Wildlife Board is authorized to make and enforce rules applicable to cooperative wildlife management units organized for the hunting of small game, waterfowl, cougar, turkey, or big game that in its judgment are necessary to administer and enforce the provisions of this chapter.

Amended by Chapter 112, 2005 General Session

23-23-4 Operation by landowner association.

A landowner association shall operate a cooperative wildlife management unit as prescribed by this chapter and the rules of the Wildlife Board.

Amended by Chapter 258, 1997 General Session

23-23-5 Certificate of registration -- Renewal.

- (1) A landowner association may not establish or operate a cooperative wildlife management unit without first obtaining a certificate of registration from the Wildlife Board.
- (2) The Wildlife Board may renew annually certificates of registration if the landowner association has previously complied with this chapter and the rules of the Wildlife Board.

Amended by Chapter 258, 1997 General Session

23-23-6 Season dates -- Boundaries -- Review by councils and board.

- (1) The Wildlife Board shall establish season dates and boundaries for each cooperative wildlife management unit.
- (2) Season dates may differ from general statewide season dates.
- (3) At least every five years, cooperative wildlife management units containing public land will be reviewed by the regional advisory councils and the Wildlife Board.

Repealed and Re-enacted by Chapter 258, 1997 General Session

23-23-7 Permits -- Acreage and lands that may be included -- Posting of boundaries.

- (1) The division shall provide cooperative wildlife management unit authorizations for hunting small game or waterfowl to the cooperative wildlife management unit, free of charge.
- (2) At least 50% of the cooperative wildlife management unit authorizations for hunting small game or waterfowl provided to a cooperative wildlife management unit shall be offered for sale to the general public at the times and places designated on the application for a certificate of registration.
- (3)
 - (a) Cooperative wildlife management units organized for hunting small game or waterfowl shall consist of private land.
 - (b) At least 75% of the acreage within the boundaries of each cooperative wildlife management unit organized for the hunting of small game or waterfowl shall be open to hunting by holders of valid authorizations.
- (4)
 - (a) The division may issue cooperative wildlife management unit permits for hunting cougar, turkey, or big game to permittees:
 - (i) qualifying through a public drawing; or
 - (ii) named by the cooperative wildlife management unit operator.

- (b) The Wildlife Board may specify by rule those persons who are eligible to draw a cooperative wildlife management unit permit in a public drawing.
- (5)
- (a) Cooperative wildlife management units organized for hunting cougar, turkey, or big game shall consist of private land to the extent practicable. Public land may be included within a cooperative wildlife management unit if:
 - (i) the public land is completely surrounded by private land or is otherwise inaccessible to the general public;
 - (ii) including public land is necessary to establish a readily identifiable boundary; or
 - (iii) including public land is necessary to achieve cougar, turkey, or big game management objectives.
 - (b) If any public land is included within a cooperative wildlife management unit:
 - (i) the landowner association shall meet applicable federal or state land use requirements on the public land; and
 - (ii) the Wildlife Board shall increase the number of permits or hunting opportunities made available to the general public to reflect the proportion of public lands to private lands within the cooperative wildlife management unit.
- (6) Each landowner association shall:
- (a) clearly post all boundaries of the unit by displaying signs containing information prescribed by rule of the Wildlife Board at the locations specified in Subsection 23-20-14(1)(d); and
 - (b) provide a written copy of its guidelines to each holder of an authorization or permit.

Amended by Chapter 112, 2005 General Session

23-23-7.5 Landowner association to provide comparable hunting opportunities.

A landowner association shall provide each holder of an authorization or permit a comparable hunting opportunity in terms of hunting area and number of days.

Enacted by Chapter 258, 1997 General Session

23-23-8 Compensation for damage -- Claims.

A landowner participating in a cooperative wildlife management unit who incurs damages caused by a hunter on his or her land may submit a claim and receive compensation for the claim from money received for cooperative wildlife management unit authorization or permit fees collected by the landowner association.

- (1) These claims shall:
 - (a) be paid first and have priority over all other obligations of the landowner association;
 - (b) be reviewed, investigated, and paid by the landowner association; and
 - (c) not exceed annual revenues of a unit.
- (2) A landowner participating in a cooperative wildlife management unit who incurs damages caused by a hunter on his or her land may not hold the state liable for compensation.

Amended by Chapter 258, 1997 General Session

23-23-9 Agents -- Appointment -- Identification -- Refusal of entry by agent.

- (1) A landowner association may appoint cooperative wildlife management unit agents to protect private property of the cooperative wildlife management unit.

- (2) Each cooperative wildlife management unit agent shall wear or have in his or her possession a form of identification prescribed by the Wildlife Board which indicates he or she is a cooperative wildlife management unit agent.
- (3) A cooperative wildlife management unit agent may refuse entry into private lands within a cooperative wildlife management unit to any person, except an owner of land within the unit and his or her employees, who:
 - (a) does not have in his or her possession a cooperative wildlife management unit authorization or permit;
 - (b) endangers or has endangered human safety;
 - (c) damages or has damaged private property within a cooperative wildlife management unit; or
 - (d) fails or has failed to comply with reasonable rules of a landowner association.
- (4) In performing the functions described in this section, a cooperative wildlife management unit agent shall comply with the relevant laws of this state.

Amended by Chapter 258, 1997 General Session

23-23-10 Possession of permits and licenses by hunter -- Restrictions.

- (1) A person may not hunt in a cooperative wildlife management unit without having in his or her possession:
 - (a) a valid cooperative wildlife management unit authorization or permit or other permit as authorized by the wildlife board; and
 - (b) the necessary hunting licenses, tags, and stamps.
- (2) A cooperative wildlife management unit authorization or permit:
 - (a) entitles the holder to hunt only in the unit specified on the authorization or permit pursuant to rules and proclamations of the Wildlife Board and does not entitle the holder to hunt on any other private or public land; and
 - (b) constitutes written permission for trespass as required under Section 23-20-14.

Amended by Chapter 44, 2000 General Session

23-23-11 Failure to comply with rules and requirements.

A person shall leave private property within a cooperative wildlife management unit immediately, upon request of a landowner, landowner association operator, or cooperative wildlife management unit agent, if that person:

- (1) does not have in that person's possession a cooperative wildlife management unit authorization or permit;
- (2) endangers or has endangered human safety;
- (3) damages or has damaged private property within a cooperative wildlife management unit; or
- (4) fails or has failed to comply with reasonable rules of a landowner association.

Amended by Chapter 297, 2011 General Session

23-23-12 Damage or destruction of property.

A person on the land of another person may not intentionally damage, disarrange, or destroy that person's property.

Enacted by Chapter 158, 1988 General Session

23-23-13 Violation of chapter -- Class B misdemeanor.

Any person who violates any provision of this chapter is guilty of a class B misdemeanor, unless another penalty is provided elsewhere in the laws of this state.

Enacted by Chapter 158, 1988 General Session

23-23-14 Landowner protection under Landowner Liability Act.

Landowners who participate in cooperative wildlife management units shall have the full protection afforded under Title 57, Chapter 14, Limitations on Landowner Liability.

Amended by Chapter 212, 2013 General Session